IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 4474 OF 2004

SHRI BALASAHEB LAXMAN KOLASE
since deceased through Lrs.
1/1. SMT. RAJASHRI BALASAHEB
KOLASE & ORS. ... PETITIONERS

Versus

EXECUTIVE ENGINEER,
MAHARASHTRA KRISHNA KHORE
VIKAS MAHAMANDAL & ANR. .. RESPONDENTS

Mr. P. M. Pradhan for petitioners

Mr. Vijay Patil for R-1 & 2.

CORAM:-SMT. RANJANA DESAI, J.

DATED:-21-2-2005

P.C.

The plaintiff's application for grant of temporary injunction restraining defendants from digging water beyond the places which was acquired earlier has been rejected by the trial court. Appeal carried there

from has also been rejected, therefore, this writ petition.

2. My attention has been drawn to the affidavit filed by Shishir Madhav Govande, Executive Engineer, Mhaisal Pump House Division No. 2, Sangli. It is stated by Mr. Govande that the petitioners are concerned with land Gat No. 2395/2, 2395/3 & 2395/4. He has stated that land acquisition proceedings have been initiated for acquiring land out of lands in these Gat numbers for the purposes of construction of canal and award in respect of land area 1 hector 44 ares was passed on 31/12/2004. It is further stated that thus a total area of 1 hector 44 Ares was acquired from the said Gat numbers for the construction of canal. The possession of the acquired land was taken on 28/1/2005 and the construction of canal has commenced.
3. In view of this development, this petition cannot be entertained. Petition is dismissed.
4. It is clarified that this order will not come in the way of the petitioner in agitating any of the contentions which have been urged in this petition. This court has not expressed any opinion on them.

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